

The other lot was alleged to be misbranded in that the word "bleached," printed in yellow type near the bottom of the bags, was false and misleading and tended to deceive and mislead the purchaser since it was so inconspicuously placed as to be illegible.

On August 11, 1938, the Kimbell Diamond Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered. The decrees provided, however, that the product be released under bond conditioned that the insect-infested lot be denatured so that it could not be used for human consumption but might be used as feed for animals and that the misbranded lot be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29327. Adulteration of canned pork and beans. U. S. v. 443 Cases of Pork and Beans. Default decree of condemnation and destruction. (F. & D. Nos. 42916, 42917. Sample Nos. 27231-D, 27232-D.)**

Samples of this product were found to contain moldy beans.

On June 11, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 443 cases of canned pork and beans at Denver, Colo., consigned by Norfolk Packing Co.; alleging that the article had been shipped in interstate commerce on or about March 4, 5, and 14, 1938, from Plattsmouth, Nebr.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "General Jackson Brand \* \* \* Morgan Packing Co. Austin, Ind." The remainder was labeled: "Columbus Brand \* \* \* Columbus Packing Co. Columbus, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 27, 1938, no answer having been filed, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29328. Misbranding of flour. U. S. v. 100 Sacks of Flour. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43011. Sample No. 21158-D.)**

Analysis indicated that this product was bleached flour, which fact was not conspicuously declared on the label.

On July 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 sacks of flour at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, by Nappanee Milling Co., Inc., from Nappanee, Ind.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cinderella Cake Flour \* \* \* Nappanee Milling Co., Inc. Nappanee, Ind."

It was alleged to be misbranded in that the prominent designation "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled or branded so as to deceive and mislead the purchaser since the label failed to bear a conspicuous statement indicating that it was bleached.

On July 9, 1938, Nappanee Milling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29329. Adulteration of candy. U. S. v. 22 Boxes, 7 Boxes, and 15 Boxes of Candy. Default decrees of destruction. (F. & D. Nos. 42883, 42935. Sample Nos. 24828-D, 24829-D, 24860-D.)**

Samples of this product were found to contain rodent hairs and insect fragments.

On June 4 and 18, 1938, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 boxes of candy at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on or about April 6 and May 27, 1938, from Jacksonville, Fla., by Dillon Candy Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dillon Candy Co. Jacksonville Florida."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On August 2, 1938, no claimant having appeared, judgments were entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29330. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 43799. Sample No. 33945-D.)**

This product was found to be filthy or decomposed, or both.

On August 16, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Bristol, Va.; alleging that the article had been shipped in interstate commerce on or about August 12, 1938, by J. T. Bible from White Pine, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 16, 1938, the owner having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29331. Adulteration of cream. U. S. v. Three 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 43800. Sample No. 33952-D.)**

This product was found to be filthy or decomposed, or both.

On August 24, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans of cream at New Martinsville, W. Va.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by A. E. Branon from Albany, Ohio; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24, 1938, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29332. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43509. Sample No. 26134-D.)**

This product contained less than 80 percent of milk fat.

On August 19, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Johnson Stores, Inc., from Michigan, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On August 30, 1938, the Johnson Stores Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29333. Adulteration of crab meat. U. S. v. 194 Pounds and 9 Pounds of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43230, 43231. Sample Nos. 34151-D, 34152-D.)**

This product contained evidence of the presence of filth.

On July 30, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 203 pounds of crab meat